

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Cr. File No. 12-283 (PAM/FLN)

Plaintiff,

v.

ORDER

01– Gordon Lamarr Moore,

Defendant.

This matter is before the Court on Defendant Gordon Lamarr Moore’s Objection to Magistrate Judge Franklin L. Noel’s Order Dated March 11, 2013, which denied Moore’s request to reopen testimony on the issue of Moore’s standing to challenge the search warrant at issue. The Court must modify or set aside any portion of the Magistrate Judge’s Order found to be clearly erroneous or contrary to law. See 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); Local Rule 72.2(a).

Magistrate Judge Noel concluded that Moore “simply wants to reopen the record to bolster his argument regarding standing” and noted that Moore has not raised any newly discovered evidence that could not have been brought during the suppression hearing. (Docket No. 128 at 2.) In his Objection, Moore provides no explanation as to why he failed to fully address the standing issue at the time of the suppression hearing. Moore even acknowledges that the Government expressly contested Moore’s standing to challenge the search warrant during the suppression hearing. (Docket No. 132 at 1.) Despite this fact, Moore did nothing at the hearing to establish his standing. That he now regrets not doing so

is an insufficient basis to reopen the matter. Magistrate Judge Noel correctly determined that Moore has presented no compelling basis to reopen the suppression hearing.

Accordingly, **IT IS HEREBY ORDERED** that Defendant's Objection to the Magistrate Judge's Order Dated March 11, 2013 (Docket No. 131), is **DENIED**.

Dated: Tuesday, March 19, 2013

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge